

<b>Office Action Summary</b>	<b>Application No.</b> 10/501,048	<b>Applicant(s)</b> NOZAKI ET AL.	
	<b>Examiner</b> RICHARD M. BEMBEN	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 11, 14, 15, 30, 46, 48, 49, 54-56 and 58-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 14, 15, 30, 54-56 and 58 is/are allowed.
- 6) ☒ Claim(s) 46, 48, 49 and 59-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. <u>6-1-10</u> .                             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                          |



## DETAILED ACTION

### *Allowable Subject Matter*

1. The indicated allowability of claims 46, 48, 49, and 59-61 is withdrawn in view of the newly discovered reference(s) to U.S. Patent No. 6,445,460 B1 issued to Pavely.

Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 46, 48, 49 and 59-61 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,445,460 B1 issued to Pavely.**

Regarding **claim 46**, Pavely discloses an image storage apparatus (refer generally to c.5, I.9-c.6, I.63; Figs.6-7) comprising:

a connecting device (c.2, I.64-c.3, I.4; Fig.1; c.5, II.46-56; Fig.6) that connects to a storage medium recording image data (c.3, II.5-52, i.e. storage medium(s) of digital camera);

a delete instruction device that instructs so as to delete image data recorded in the storage medium connected to the connecting device (c.6, ll.3-24, e.g. desktop deletes "archive" images);

a medium detector that detects if the storage medium connected to the connecting device is a storage medium limiting a number of overwrite (c.5, l.25-c.6, l.63, e.g. detects "read-only" and/or "archive");

an image storage memory (c.5, l.46-c.6, l. 24, e.g. memory associated with desktop computer system or Internet Web server computer processing system); and

a delete control device that controls so as to receive image data recorded in the storage medium connected to the connecting device, store the received image data in the image storage memory and delete the image data of the storage medium automatically after storage thereof (c.6, ll.3-24, e.g. automatic transfer and storage in the memory associated with the desktop computer system followed by deleting "archive" images), wherein:

when the medium detector detects that the storage medium limiting a number of overwrite is connected to the connecting device, the delete control device halts automatic deletion of the image data after storage thereof (c.6, ll.3-24, e.g. automatic transfer and storage in the memory associated with the desktop computer system followed by deleting "archive" images but not deleting "read-only" images).

Regarding **claim 48**, refer to the rejection of claim 46 and Pavely further discloses that when the medium detector detects that the storage medium limiting a

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number of overwrite is connected to the connecting device, the delete control device inquires whether the image data is deleted (c.5, l.61-c.6, l.24, e.g. detecting whether storage space can reclaimed and whether/what images can be deleted).

**Claim 49** is directed to a computer readable medium encoded with a control program corresponding to the functionality of the apparatus required by claim 46. Therefore, claim 49 is analyzed and rejected as discussed with respect to claim 46. Also refer to Pavely, c.6, l.25-63 and Fig.7.

Regarding **claim 59**, Pavely discloses a data storage apparatus comprising:  
a connecting device (c.2, l.64-c.3, l.4; Fig.1; c.5, ll.46-56; Fig.6) that connects to a storage medium recording a data file (c.3, ll.5-52, i.e. storage medium(s) of digital camera);

a delete instruction device that instructs so as to delete the data file recorded in the storage medium connected to the connecting device (c.6, ll.3-24, e.g. desktop deletes “archive” images);

a medium detector that detects if the storage medium connected to the connecting device is a storage medium limiting a number of overwrite (c.5, l.25-c.6, l.63, e.g. detects “read-only” and/or “archive”);

a data file storage memory (c.5, l.46-c.6, l. 24, e.g. memory associated with desktop computer system or Internet Web server computer processing system); and

a delete control device that controls so as to receive the data file recorded in the storage medium connected to the connecting device, store the received data file in the data file storage memory and delete the data file of the storage medium automatically after storage thereof (c.6, ll.3-24, e.g. automatic transfer and storage in the memory associated with the desktop computer system followed by deleting "archive" images), wherein:

when the medium detector detects that the storage medium limiting a number of overwrite is connected to the connecting device, the delete control device halts automatic deletion of the data file after storage thereof (c.6, ll.3-24, e.g. automatic transfer and storage in the memory associated with the desktop computer system followed by deleting "archive" images but not deleting "read-only" images).

Regarding **claim 60**, refer to the rejection of claim 59 and Pavely further discloses that when the medium detector detects that the storage medium limiting a number of overwrite is connected to the connecting device, the delete control device inquires whether the image data is deleted (c.5, l.61-c.6, l.24, e.g. detecting whether storage space can reclaimed and whether/what images can be deleted).

**Claim 61** is directed to a computer readable medium encoded with a control program corresponding to the functionality of the apparatus required by claim 59. Therefore, claim 61 is analyzed and rejected as discussed with respect to claim 59. Also refer to Pavely, c.6, l.25-63 and Fig.7.

***Allowable Subject Matter***

4. Claims 11, 14, 15, 30, 54-56 and 58 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 11 and 54, Examiner could not find prior art disclosing the claim limitation: "when the medium detector detects that the storage medium limiting a number of overwrite is inserted into the insertion portion, the display change processing device changes a display of the display device so as not to display the delete disable release instruction".

Regarding claims 15 and 55, Examiner could not find prior art disclosing the claim limitation: "when the medium detector detects that the storage medium limiting a number of overwrite is inserted into the insertion port and also deletion of the image is instructed by the delete instruction device, the delete method change processing device creates new data management information showing a state in which image data corresponding to image data for which deletion of the storage medium limiting a number of overwrite is instructed and management information which does not allow writing in an area that has been once recorded, and records the data management information and the management information in the storage medium limiting a number of overwrite, and invalidates data management information that existed prior to the deletion instruction".

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Regarding claims 30 and 58, Examiner could not find prior art disclosing the claim limitation: “when the capacity detector detects that the storage medium limiting a number of overwrite has memory residual capacity not enough to record new data management information in the storage medium limiting a number of overwrite, the delete instruction device instructs so as to nullify the image data area”.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD M. BEMBEN whose telephone number is (571)272-7634. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ometz David can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David L. Ometz/  
Supervisory Patent Examiner, Art  
Unit 2622

RMB  
*June 1, 2010*